

# London Borough of Bexley Elective Home Education Policy

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## **London Borough of Bexley - Elective Home Education Policy**

### **National Guidance**

The Department for Education Guidance on Elective Home Education (April 2019) for local authorities and parents is available at:

<https://www.gov.uk/government/publications/elective-home-education>

Bexley's Elective Home Education policy seeks to take a proactive stance around the safeguarding of vulnerable children and young people. Bexley's guidance document for parents is available on the local website at <http://www.bexleylocaloffer.uk> and search for "Elective Home Education"

### **The Legal Position**

- It is a parent's responsibility to ensure a child is receiving an education. Most parents will choose to meet this responsibility by applying for a school place.
- Parents have a right to educate their children at home. Section 7 of the Education Act 1996 provides that: "The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable – (a) to his age, ability and aptitude, and (b) to any special educational needs he may have - either by regular attendance at school or otherwise."
- Local Authorities have a duty under the same act (Section 436A) to identify, as far as is possible, children who are not receiving a suitable education otherwise than being at school (for example at home, privately, or in alternative provision).
- The London Borough of Bexley will therefore make enquiries in all cases where parents are home educating in order to satisfy itself that the child(ren) concerned are receiving a suitable education.
- The Education Act 1996 further requires the Local Authority, in cases where it appears a child of compulsory school age is not receiving suitable education, to serve a notice in writing on the parent requiring her / him to satisfy the authority within a specified period that the child is receiving such education.
- The information required of parents who are home educating is not specified in any guidance but it is the perspective of the London Borough of Bexley that parents should be able to provide sufficient, timely evidence and information that a suitable education is being provided. Some advice on how to provide evidence and information is given in Bexley's own document "Elective Home Education-Guidance for Parents".
- It is appropriate that parents and children choose a type of education that is right for them. It is equally important that EHE officers understand and are supportive of the many differing approaches or "ways of educating" which are all feasible and legally valid. The role of the EHE Officer is to respond to concerns that a child is not receiving suitable education for his or her age, ability and aptitude and, where appropriate, to provide support and information for parents. It is not the role of the EHE Officer to tell parents how to educate their children, though suggestions of effective practice will be made to help parents.

- Where there is ambiguity in making a judgement defining the suitability of the education, Bexley will refer to the UN Convention of the Rights of the Child. Article 28 & 29 and as a minimum will expect to see evidence of literacy and numeracy progress.

## **Principles**

- The Elective Home Education Officer believes a positive and supporting relationship with parents usually results in good outcomes for the child.
- The London Borough of Bexley encourages parents who are considering home education to contact the Elective Home Education officer prior to declaring Home Education. This allows them to access advice and information in order to fully understand their responsibilities as home educators. The DfE guidance (2019) provides greater clarity on what is expected in terms of a sufficient and effective curriculum, as well as indicating that provision is expected to be in place swiftly, following any decision to declare elective home education.
- The London Borough of Bexley also encourages all schools to ask any parent considering home education to contact the Elective Home Education officer prior to declaring home education.
- The London Borough of Bexley encourages parents to inform them directly of the withdrawal of a child from school, even though schools will also notify the local authority. The only exception to this is where the child is attending a special school under arrangements made by the local authority, in which case additional permission is required from the authority before the child's name can be removed from the register.
- Local authorities do not receive funding to support home educating families, but the London Borough of Bexley seeks, through a positive and enabling approach, to provide appropriate guidance, advice and support.
- The London Borough of Bexley strives to ensure that its policy and procedures on Elective Home Education are clear, consistent and non-intrusive.
- We have named officers with responsibility for implementing our policy and procedures.
- The Elective Home Education Officer will understand that a parent needs sufficient time to set their arrangements in motion and that home educating families may be taking a range of approaches in order to meet the individual needs of children.
- If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns will be immediately referred to the appropriate authorities using established local authority protocols.
- The London Borough of Bexley maintains a register of children it knows are being educated at home. This is so we can have a record of what contact we have had with a parent and child and also allows us to inform the police when

they undertake truancy sweeps that we have a record of a child being educated at home.

- The London Borough of Bexley will provide up to date information and guidance to parents who opt to home educate.

### **Safeguarding**

- Local Authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states: “A Local Education Authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a Local Education Authority are exercised with a view to safeguarding and promoting the welfare of children.”
- Local authorities have general duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 in relation to their functions as a Local Authority and for other functions in section 10 and 11 of the Children Act 2004). These powers allow Local Authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (sections 17 and 47 of the Children Act 1989). However, it is accepted that such powers do not allow local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.
- Although parent(s) can declare EHE at any time, the London Borough of Bexley does not consider it safe or acceptable for a child who is the subject of a Child Protection plan, or a child deemed to be a child in need, to be electively home educated.
- Where a child is made subject to a child protection plan or is already subject to a child protection plan the conference chair will make clear that if the parent has already declared EHE, or states an intention to do so, the risk will be re-considered in light of this information with the likelihood that the child is considered unsafe as a consequence. The chair will therefore immediately ensure the plan is changed or reviewed to protect the child which will include a stop to EHE with immediate effect. The chair will outline what harm is likely, what the risk is and how it is increased as a result of continuing to educate the child at home. The resulting plan will reflect the necessary actions that need to be taken including the immediate review of the EHE declaration.
- Where an education provision is not immediately available, the child protection conference chair and allocated social worker will ensure that the plan will include increased home visits to regularly check that the child is safe whilst not in education. In such circumstances, the Elective Home Education Officer will notify the relevant Chair of primary or secondary Fair Access Panel and ensure the child is presented for a school place at the next meeting.
- Where a school place is identified but the parent/carer fails to ensure that their child attends, the local authority will initiate legal action to obtain school attendance order and reconvene the child protection conference to consider next steps.

- For a child who is EHE and who is also a Child in Need (CIN), the CIN review chair will make clear that continuing EHE is a worry. It will be for the Chair to decide whether a strategy meeting is required where the child is at risk of harm and this is further compounded by the education of a child at home. This strategy meeting will include representation from education colleagues to inform the risk assessment. The strategy meeting will review whether continuing EHE is a factor to any further impairment to the child's health, wellbeing and development. Where it is deemed so, the plan meeting will be reconvened to discuss next steps and the chair will make clear that if EHE continues, the likely harm is increased and outline the reasons why. Where EHE continues this may include escalation to child protection status following a child and family assessment where the above child protection arrangements for children who are EHE will be taken forward.
- All professionals should remember that Elective Home Education as a parental choice is not of itself a risk to children. We have to be concerned about the extent to which already vulnerable children are further compromised where this is assessed to be the case.
- The new DfE April 2019 guidance states on pg. 4 that:  
 "Where necessary - because it is evident that a child is simply not receiving suitable education at home and the use of school attendance powers is not achieving a change in that situation - the local authority should be ready to use its safeguarding powers as explained in this guidance. The overriding objective in these cases is to ensure that the child's development is protected from significant harm."  
 Bexley will be mindful of this in all cases.

### **Special Education Needs**

- Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). This right is irrespective of whether the child has an Education Health and Care Plan (EHCP) or not. Where a child has an EHCP and is educated at home, it remains the local authority's duty to maintain the EHCP and to review it annually. The local authority will consider whether the educational provision being delivered by the parents is suitable for the child's special educational needs.
- It is not until the local authority is satisfied that it is relieved of its responsibility to arrange the provision in the EHCP. If the local authority is not satisfied then it remains responsible for ensuring that the child's special educational needs are met. The London Borough of Bexley has a separate SEN and Elective Home Education Protocol which describes the procedure and pathways regarding parents who may wish to educate their child who has SEN at home.
- Where parents of children with an EHCP who attend a specialist provision seek to electively home educate, cases will be brought before the SEN panel for discussion. If Elective Home Education is deemed appropriate, future reviews will take place jointly with the SEN case officer and the EHE Liaison Officer.

Where a child with an EHCP does not attend a specialist provision, an emergency annual review is offered, which gives everybody the opportunity to review the EHC Plan and to determine the support needs and options of

support. Future reviews will take place jointly with the SEN case officer and the EHE Liaison Officer.

### **Elective Home Education Procedures**

- When a parent is considering educating a child at home it may be useful for the parent to discuss the matter with the child's school and the Elective Home Education Officer before taking actions. Schools should contact the local authority to ask for the parent to be contacted to facilitate this.
  
- The DfE Guidance for Local Authorities April 2019 (10.4) make it explicit that:  
"Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them."
  
- If a child is a registered pupil at a school when the decision is made to home educate the parent/carer should write to the head teacher advising the school of that decision. *(Although there is not duty placed upon parents to notify the Local Education Authority of this decision it is helpful if a copy of this letter could be sent to the Elective Home Education Team at Education and Social Care, Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT.*
  
- The school will then advise the London Borough of Bexley of the family's decision and remove the pupils name from the school roll. *In cases where the child has never been on a school roll it is advisable for parents to contact the Local Authority direct.*
  
- The Elective Home Education Service will write to the parents within 5 working days of them formally registering the pupils as home educated. Additional information will be supplied as necessary:
  - Bexley Home Education Guidance Booklet
  - Advice on procedures
  - Information on Health Service and Prospects
  - Request for further details on the proposed education programme
  
- In order to establish the pupil's current attainment level the Elective Home Education Officer will request from the school details of the pupil's academic and attendance profile.
  
- In order to ensure that the procedures are carried out in accordance with the Bexley policy the pupil will be placed on the Elective Home Education Register. The Elective Home Education Officer will make contact with the family. Ideally this should be no more than three weeks from the receipt of the parent's original letter. This contact is solely to ensure parents understand what Elective Home Education involves and is NOT a review of the education in place. If parents

prefer, this contact can be a phone call or a meeting either in the home or arranged at another place other than the home.

- Following on from this initial contact, a further appointment will be booked with the parents for a review of the education in place; this will take place about 12 weeks after Elective Home Education is declared.
- In order to assist the Authority in carrying out its duties it is helpful if the following can be made available for the Elective Home Education officer's visit:
  - ✓ Up to date samples of the child's work (*families are always asked to date the work as it is a useful aid in demonstrating progress*)
  - ✓ If work is being carried out in accordance with a designated timetable or programme, details of this would be helpful
  - ✓ Details of practical work undertaken
  - ✓ The Elective Home Education Officer will want to discuss the child's educational programme with the parents/carers and wherever practicable, with the child
  - ✓ The Elective Home Education Officer will be keen to hear how parents are providing opportunities for learning outside the home and being with other children or young people
  - ✓ At certain times and for various reasons, parents may wish or may be asked to attend a meeting at a Council office. In these cases the Elective Home Education Officer will be keen to see samples of the pupil's work in the same manner as when the meeting takes place in the pupil's home
  - ✓ The children's views will be sought as to what they think of being educated at home.

Recommendations parents may consider, but are not required to:

- teach the National Curriculum
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work completed by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school based, age specific standards

Parents may arrange for other people to tutor their child, though parents themselves continue to be responsible for the education provided. It is recommended that parents ensure that such people are qualified and suitable, including having gone through Disclosure and Barring Service (DBS) checks.

Full details of the Elective Home Education Officer's process are shown in the parents' guidance document –

- Following the review visit, if there are concerns about the education being provided, the Home Education Officer will discuss this with parents and offer suggestions/advice. A follow up visit will be arranged with parents.

- The Elective Home Education Officer will write to the parent advising them of the time span for following visits. This will normally be one year.

### **Procedure for Non Standard Cases**

While the vast majority of parent/carers who choose to educate their children at home do so for very good reasons, the Council must be mindful that some choose this option as a method of negating their parental obligations to ensure that their child receives a suitable education. It remains the Council's duty to protect the right to education of **all** children who reside within that Council's area.

In cases that cause the Council concern or where the Council is not in a position to "satisfy itself that a child is receiving education suitable to the child's age, ability and aptitude", the following procedure will be employed.

#### **If the Elective Home Education Officer fails to find the family at home for the agreed meeting:**

- A letter will be sent asking the parent/carer to contact the Elective Home Education Officer in order to rearrange the meeting. This letter will allow 10 days for that contact to be made.
- Should the parent fail to make contact within the time span, the Head of the Elective Home Education Service may ask an Education Welfare Officer to make a home visit.
- In extreme cases the Elective Home Education Officer may consider initiating a School Attendance Order under Sect. 443 of the Education Act 1996.
- Each case will, of course, be considered on an individual basis taking into account all relevant details.

#### **If the Elective Home Education Officer's report suggests that the education provision is "not suitable":**

- The report will identify the areas of concern. A second appointment will be offered to allow the family time to improve the provision. The Elective Home Education Officer will write to the family to inform the recommended timing of a subsequent meeting. This meeting may be a joint visit with the EHE Officer's manager.
- If the Elective Home Education Officer/Manager are unable to identify sufficient improvement on that subsequent appointment, a recommendation will be made to return the child to mainstream schooling.
- Should the parent fail to take up this recommendation the Elective Home Education Service will initiate a School Attendance Order.



### **If there is evidence to suggest that there is no work being undertaken:**

- The Elective Home Education Officer will initiate a School Attendance Order (under Section 437 (1) of the Education Act 1996).

### **Alternative Educational Methods**

Bexley Council is aware that families may choose to educate their children in a way that is sometimes termed 'alternative', e.g. child-centred learning programmes. It is recognised that parents who facilitate autonomous learning normally have a firm understanding of their child/children's educational ability and are in no way viewed as negating their obligations with regard to an educational provision. However, in cases where such programmes have been followed, the responsibility remains for the Council to "satisfy itself" that the provision is appropriate. The Council will aim to work with the family in order to fulfil the commitment that children receive a 'suitable' and 'efficient' education

### **EHE and the Raising of the Participation Age**

From 1<sup>st</sup> September 2013 all 16/17 year olds (equivalent to Y12 in schools) should remain in education, an apprenticeship or full time work with a training or education component. The key paragraph of guidance from the DfE states:

*For young people who are being home educated, no hourly requirement of education applies: the amount and content of that education is at the discretion of the home educator. In most circumstances it will be the young person themselves who states that they are home-educated. If the authority believes there is some doubt in the matter they may wish to seek confirmation of this from the parent or guardian, but no on-going monitoring of the education is required.*

From the above, Bexley will put in place the following:

- For those parents who are already home educating and whose children are in Y11 there would appear to be no changes. They can continue to home educate or try to get their child into post 16 education, either in a school or college, or an apprenticeship.
- Bexley will have to be aware that some young people will 'self-declare' EHE and we will keep a record of that, as well as showing whether we have checked with parents to confirm that this is, in fact, the case.
- As "no on-going monitoring of the education is required" Bexley's EHE Liaison Officer will not make visits or ask for reports. We will, however, ask EHE young people aged 16 (at the end of Y11 in school) to inform us how they are intending to continue their education/training.
- We will make the Y11 cohort aware of possible future choices through invitations to attend the council's apprenticeship events and through links with BYA/Prospects.

In order to ensure that young people in Y11 have the best opportunity to access a fulfilling future career, the EHE Officer works closely with Bexley's Education to Employment Service to follow the parameters below:

### **Duties on local authorities relating to participation**

Local authorities have broad duties to encourage, enable and assist young people to participate in education or training. Specifically these are:

- To secure sufficient suitable education and training provision for all young people in their area who are over compulsory school age but under 19 or aged 19 to 25 and for whom an Education, Health and Care (EHC) plan is maintained. This is a duty under the Education Act 1996. To fulfil this, local authorities need to have a strategic overview of the provision available in their area and to identify and resolve gaps in provision.
- To make available to all young people aged 13-19 and to those between 20 and 25 with special educational needs and disabilities (SEND), support that will encourage, enable or assist them to participate in education or training under Section 68 of ESA 2008.

Tracking young people's participation is a key element of these duties. Local authorities are required to collect information about young people so that those who are not participating, or are NEET, can be identified and given support to re-engage. Robust tracking also provides the local authority with information that will help to ensure that suitable education and training provision is available and that resources can be targeted effectively.

In addition, ESA 2008 placed two RPA-related duties on local authorities with regard to 16 and 17 year olds:

- Local authorities must promote the effective participation in education and training of 16 and 17 year olds in their area with a view to ensuring that those persons fulfil the duty to participate in education or training. A key element of this is identifying the young people in their area who are covered by the duty to participate and encouraging them to find a suitable education or training place.
- Local authorities must make arrangements – i.e. maintain a tracking system – to identify 16 and 17 year olds who are not participating in education or training. Putting in place robust arrangements to identify young people who are not engaged in education or training or who have left provision enables local authorities to offer support as soon as possible.

### **Duty on local authorities to promote participation**

Under this RPA-related duty, the participation of young people in education and training should be actively promoted by local authorities (section 10 of ESA 2008).

Specific examples of this are:

- When developing transport arrangements and preparing their post-16 transport policy statement, local authorities should, in accordance with their duty under the Education Act 1996, ensure that young people are not prevented from participating because of the cost or availability of transport to their education or training. Statutory guidance has been developed to help local authorities to meet their post-16 transport duty.
- Local authorities should ensure a focus on participation is embedded throughout their education and children's services; including youth offending, troubled families and pre-16 education teams; and social services and economic development; amongst others.
- The Children and Families Act 2014 places a duty on local authorities to develop a local offer setting out what services they expect to be available for local children and young people with SEND up to age 25. This must include post-16 education and training provision. The local offer is a key tool in

supporting young people with SEND to make choices as they approach the end of school and successfully make the transition into post-16 education and training. Young people with SEND should be encouraged and supported to follow a coherent study programme at an appropriate level that supports their progression. Where 16-18 year olds with EHC plans are NEET, or at risk of becoming NEET, their plan should be maintained and they should be encouraged and supported to return to education and training as soon as practicably possible. Local authorities should also consider carefully the action to take when young people with EHC plans aged 18 or over leave education or training before the end of their course, seeking to re-engage them where appropriate.

Local authorities should provide strategic leadership in their areas, working with and influencing partners (such as LEPs) locally to promote participation.

### **Duty on local authorities to identify young people not participating**

To meet this RPA-related duty (section 12 of ESA 2008), local authorities are required to identify young people not participating so that they can ensure that these young people get the support they need. CCIS is the main source of evidence that local authorities are discharging this duty.

Local authorities are expected to act on any information they receive about a young person who has dropped out; contacting them at the earliest opportunity and supporting them to find an alternative place in education, training or employment with training that leads to relevant regulated qualifications.

From: Participation of young people in education, employment or training: statutory guidance for local authorities

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/561546/Participation-of-young-people-in-education-employment-or-training.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/561546/Participation-of-young-people-in-education-employment-or-training.pdf)

### **Careers Information:**

Prospects offer careers advice in Bexley and all children residing in Bexley are entitled to free access to the service. Occasionally the service would wish to communicate with all families with children aged between 13 – 19 years. If parents/carers have an objection to their name and address being made available to the careers service they should advise the Elective Home Education Service in writing as a response to the Education Privacy Notice

Young people in Y11 and their parents are offered interviews with Bexley Youth Advice to identify the best path forward in terms of future pathways such as college place or apprenticeship,

### **Additional Information**

#### **Truancy Patrols:**

Bexley Education Welfare Service, together with uniformed Police Officers, may carry out a programme of Truancy Patrols within the Council's area. During designated patrol days, all children who appear to be of school age are approached by the patrols. If children say they are home educated, they will be treated in the same way as any others. The officers will continue to collect details of the child for statistical purposes and in order to check the validity with the EHE Officer later (*additionally this offers a point of reference for parents who may wish to check the authority of the Officers*).

Parents and children should be assured that Education Welfare Officers will carry identity and the Police Officer will be in uniform.

Home-educated families can be confident that the data from these patrols is confidential to the Elective Home Education Service and only statistical information will be published.

Local Health Services:

On some occasions it is necessary for Local Health Services to communicate with parents of all children residing within Bexley (for instance when there is a need to carry out a mass inoculation programme) and it is common practice for this communication to go via schools. In order to ensure that parents/carers of home-educated children receive any important information concerning school age children, the Health Authority will request contact information. If a parent/carer has an objection to this information being made available to the Health Authority they should advise the Elective Home Education Officer in writing as a response to the Education Privacy Notice.

### **Complaints Procedure**

The Bexley Complaints Procedure can be found at [www.bexley.gov.uk/feedback](http://www.bexley.gov.uk/feedback).

Or by contacting:-

**London Borough of Bexley  
Civic Offices  
Watling Street  
Bexleyheath  
Kent  
DA6 7AT.**

### **Elective Home Education Contact Details**

Lorraine Gold  
Elective Home Education Officer  
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